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EXPRESS MAIL CERTIFICATE

Date 5/22/02 Label No. EU 028719066-45

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

B.W. LEE B.W. Lee  
Name (Print) Signature

Customer No.:



Docket No.: 5986/11147US1

07278

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Max Costa; Konstantin Salnikow; Herman Yee

Serial No.: 10/057,832 Art Unit: 1645

Confirmation No.: 1550

Filed: January 25, 2002 Examiner: To be assigned

For: METHODS AND COMPOSITIONS USING CAP43 PROTEINS AND NUCLEIC ACIDS TO DIAGNOSE AND TREAT CANCER AND OTHER DISORDERS

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

RESPONSE TO NOTICE TO FILE MISSING PARTS AND  
COMPLETION OF PATENT APPLICATION

In response to the Notice to File Missing Parts of Nonprovisional Application (hereinafter referred to as the "Notice to File Missing Parts") mailed on March 22, 2002, Applicants submit the following items for completion of this

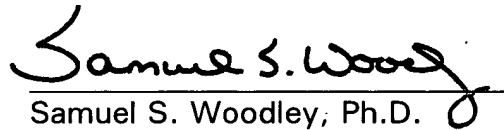
application:

1. [X] A return copy of the Notice to File Missing Parts;
2. [X] Declaration and Power of Attorney document, executed by each of the above-named inventors (6 pages);
3. [X] An assignment, executed by each of the above-named inventors, for recordation in the U.S. Patent and Trademark Office (5 pages, including Recordation Form Cover Sheet);
4. [X] Formal Drawings (Figures 1A-13G on 18 sheets);
5. [X] Applicants claim small entity status for this application under 37 C.F.R. § 1.27 (a partial refund of all large entity fees paid for this application within the last two months is respectfully requested);
6. [X] A check in the amount of \$1717.00 in payment of the small entity filing and recordation fees (as estimated on the attached **Fee Computation Sheet**), including the surcharge set forth in 37 C.F.R. § 1.16(l);
7. [X] Sequence Listing in paper and computer readable forms, pursuant to 37 C.F.R. § 1.821(c) and (e) and § 1.824.
8. [X] Pursuant to the requirements of 37 C.F.R. § 1.821(f) and (g), the undersigned hereby states that the Sequence Listing submitted herewith contains no new matter and that the sequence listing information recorded in the submitted computer readable form is identical to the written (on paper) Sequence Listing.

The Commissioner is hereby authorized and requested to charge the required fee(s) and/or credit the refund(s) owed to our Deposit Account No. 04-0100.

Respectfully submitted,

Dated: May 22, 2002

  
Samuel S. Woodley, Ph.D.  
Reg. No. 43,287  
Agent for Applicant(s)

DARBY & DARBY P.C.  
Post Office Box 5257  
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212-527-7700



Docket No.: 5986/1I147US1

## FEE COMPUTATION SHEET

	No. of Claims Presented	Extra Claims Previously Paid For	Number of Extra Claims	Rate
Basic Fee . . . . .				\$740.00
Total Claims	102 - 20	- 0 = 82	x \$18.00	\$1476.00
Independent Claims	15 - 3	- 0 = 12	x \$84.00	\$1008.00
Multiple Dependent Claims		- if so, add	\$280.00	\$0.00
Surcharge for late submission of filing fee and/or declaration (\$130.00) . . . . .				\$130.00
SUBTOTAL . . . . .				\$3354.00
[X] Small Entity REDUCTION (Half of Subtotal) . . . . .				\$1677.00
Fee for recordation of assignment (\$40.00) . . . . .				\$40.00
Charge for filing non-English language application (\$130.00) . . . . .				\$0.00
TOTAL . . . . .				\$1717.00



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/057,832	01/25/2002	Max Costa	5986/11147US1

07278  
DARBY & DARBY  
805 THIRD AVENUE, 27TH FLR.  
NEW YORK, NY 10022



CONFIRMATION NO. 1550

FORMALITIES LETTER



\*OC000000007701584\*

Date Mailed: 03/22/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

05/30/2002 RHEBRANT 00000074 10057832

FILED UNDER 37 CFR 1.53(b)

01 FC:201	370.00 OP
02 FC:203	738.00 OP
03 FC:202	504.00 OP
04 FC:205	65.00 OP

Filing Date Granted

06/18/2002 Y6IZAW 00000004 040100 10057832  
01 FC:202 42.00 CH

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$2484.
  - \$1476 for 82 total claims over 20.
  - \$1008 for 12 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 3354.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at

63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE